



Kapiolani Park Trustees

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

KAPIOLANI PARK TRUSTEES

Romy M. Cachola, Chair
Breene Harimoto, Vice-Chair
Ikaika Anderson
Tom Berg
Stanley Chang
Tulsi Gabbard Tamayo
Nestor R. Garcia
Anne H. Kobayashi
Ernest Y. Martin

MINUTES

MONDAY, MAY 2, 2011

COUNCIL COMMITTEE MEETING ROOM
2nd FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

CALL TO ORDER

The meeting of the Kapiolani Park Trustees was called to order by Trustee Chair Romy M. Cachola at 2:53 p.m. Trustees Anderson, Berg, Chang, Gabbard Tamayo, Harimoto, Kobayashi and Martin were present at the meeting. Trustee Garcia was excused from the meeting.

STAFF PRESENT

Sharleen Oshiro, Senior Adviser to Trustee Chair Cachola
Lloyd Yoshioka, Attorney, Office of Council Services
Don Kitaoka, Deputy, Department of Corporation Counsel, assigned to the Kapiolani Park Trustees
Joanne Tachibana, Council Committee Aide, Office of the City Clerk

APPROVAL OF MINUTES

The minutes of the Kapiolani Park Trustees meeting of April 7, 2010 were approved as circulated:

AYES: ANDERSON, BERG, CHANG, GABBARD TAMAYO, HARIMOTO,
KOBAYASHI, MARTIN, CACHOLA – 8.
NOES: None.
EXCUSED: GARCIA – 1.

FOR ACTION

1. KAPIOLANI PARK TRUST – SEVENTH TRI-ANNUAL REPORT COVERING JULY THROUGH FEBRUARY 28, 2011, TO BE FILED WITH THE STATE CIRCUIT COURT.

Administration/Others

Don Kitaoka, Deputy, Department of Corporation Counsel
Terry Hilderbrand, Planner, Department of Design & Construction (DDC)
Sidney Quintal, Director, Department of Enterprise Services

The following individuals testified:

1. Tara Hands (comments)
2. Barbara Hudman (comments)

Trustee Chair Cachola noted that because there were five new Trustees, the Department of Corporation Counsel would provide the background of the Trust and explain the purpose of the Tri- Annual Report.

Deputy Corporation Counsel Kitaoka provided:

1. THE BACKGROUND OF THE KAPIOLANI PARK TRUST AS FOLLOWS:
 - Kapiolani Park Association (KPA) in 1876-1877 established a park, a portion of which is now Kapiolani Park.
 - June 6, 1896, President Sanford B. Dole, approved Act 53 of the 1896 Legislature, transferring the management of the KPA to the Honolulu Park Commission, a public agency.
 - Act 53 set forth the terms of the Kapiolani Park Trust and provided that park premises be permanently set apart as a free public park and recreation ground forever.
 - In compliance with Executive Order 22, dated July 1, 1913, Governor Frear carried out the directive of Act 163 to transfer Kapiolani Park to the Territory, "In trust, to maintain the same forever as a public park and creating ground," and authorized the governor to set the park aside by executive order to the City and County of Honolulu.

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2. IDENTIFIED THE TRUSTEES' ROLE AND DUTIES PURSUANT TO THE JUNE 28, 1991 COURT ORDER, THE ROLE OF THE TRUSTEES SHALL BE LIMITED TO ENFORCING THE PROVISIONS OF THE TRUSTEES INCLUDING SPECIFICALLY:
 - Keep those portions of Kapiolani Park which are part of the Trust in perpetuity;
 - Insure that Trust lands are used only for park purposes within the terms of the Trust;
 - The day-to-day operations, maintenance and running of Kapiolani Park, including the Trust lands, shall remain with the executive branch of the City (Department of Parks & Recreation and the Department of Enterprise Services);
 - The budget for Kapiolani Park shall continue to be developed and approved in the current manner by the City Council;
 - The Trustees shall have the duty of filing a report on their administration of the Trust at least every three years;
 - The Trustees shall not be compensated for their services as Trustees.
3. FILING OF THE TRI-ANNUAL REPORT AS DETAILED IN COMMUNICATION D-204:
 - Pursuant to the Amended Findings of Fact and Conclusions of Law and Decision and Order, issued by the Circuit Court of the First Circuit, State of Hawaii on June 28, 1991, in City and County of Honolulu v. Warren Price III and Kapiolani Park Preservation Society, S.P. No. 89-0015, the Trustees are required to file a Report with the State Circuit Court regarding the administration of the Trust every three years.
 - The Special Rules of the Council as Trustees of Kapiolani Park (Rev) requires the Trustee Chair to prepare the Tri-Annual Report of the Trustees regarding administration of the Trust, and following approval of such report by a majority of the Trust at a meeting of the Trustees, file the Report with the State Circuit Court.

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Deputy Corporation Counsel Kitaoka continued by stating the following:

- The report sets forth the court rulings for the past three years including the art fence and craft fairs at Kapiolani Park.
- The Kapiolani Park Master Plan that was updated in 2008 brought to fruition the refurbishing of the Honolulu Zoo entrance.
- The report also states that the Trust is continuing to comply with the Kapiolani Park Master Plan and is retaining consultants to do further work.
- One consultant will be conducting a recreational carrying capacity study of the Kapiolani Park Trust Lands, which would assist the City in determining turf management assessments and provide parameters on management of the park.

He concluded by requesting that the Trustees approve the report to be filed with the State Circuit Court.

In response to Trustee Chang, Planner Hildebrand stated that consultant, PBR Hawaii Associates' contract is with the DDC. The consultant will be conducting a public survey and its results will be presented at a public meeting. Comments from the public can be submitted to the consultant or to DDC and will be taken into consideration.

Trustee Chair Cachola called on Director Quintal to address the concerns brought up in the public testimony. Director Quintal stated that all city agencies are aware of the critical need to do more with less and that applies to creative maintenance of the parks. The consultant's study will influence how the City carries out park maintenance going forward. The Administration addresses issues on a prioritized basis. The concerns raised by the testifiers will be forwarded to the Managing Director and the Department of Parks and Recreation for their responses.

Trustee Chair Cachola recommended adoption of the Tri-Annual Report.

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The Kapiolani Park Trust - Seventh Tri-Annual Report covering July 1, 2007 through February 28, 2011 approved for submittal to the State Circuit Court.

AYES: ANDERSON, BERG, CHANG, GABBARD TAMAYO, HARIMOTO,
KOBAYASHI, MARTIN, CACHOLA – 8.
NOES: None.
EXCUSED: GARCIA – 1.

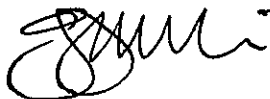
Related communication:

D-204 Don Kitaoka, Deputy Corporation Counsel, transmitting proposed
Seventh Tri-Annual Report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:28 p.m.

Respectfully submitted,


For BERNICE K.N. MAU
City Clerk

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DATE APPROVED

MAY 20, 2014